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AN  
ELECTION GUIDE  
BY  
*H. H. ASQUITH*

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# **AN ELECTION GUIDE.**



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# AN ELECTION GUIDE.

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## R U L E S

FOR THE

CONDUCT AND MANAGEMENT OF ELECTIONS  
IN ENGLAND AND WALES,

UNDER THE

CORRUPT PRACTICES ACT, 1883.

PREPARED BY

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The object of this compilation is to provide candidates, election agents, and other persons engaged in the conduct and management of elections in England and Wales, with a guide which will show them what they may lawfully do and what they must avoid. No attempt has been made to deal with such matters as registration, or the procedure on election petitions. The references in the margin, except in a few instances which explain themselves, are to the sections of the Corrupt Practices Act, 1883.



## § I. BEFORE THE ELECTION.



## § I. BEFORE THE ELECTION.

This is probably the most difficult period for an election agent to deal with, because it is necessarily undefined and left at large. An agent may exist under two different conditions; either—(a) he may have acted in a cognate capacity as a registration agent, or as having charge of the general interests of the party for a period antecedent to, and unconnected with, the election, or—(b) he may be an agent appointed immediately for the election.

In relation to the second of these conditions an agent will be able to collect, from the later pages of this manual, the duties which he has to perform, but in respect to the first practical difficulties present themselves, which can be solved only by the application of common sense, guided by an honest purpose to obey the requirements of the law. The difficulties referred to will probably arise where an officer and staff acting in the general interest of a party,—be it as a registration or general political association—transfer their services without break to the support of a particular candidature. It will be the agent's duty, both in calculating the amount of his expenditure and in making his return, to determine whether any expenses have been incurred or services rendered by such association "on account of, or in respect of, the conduct or management of such election." (Sec. 8.) These words

were much discussed and carefully selected by the House of Commons, with the intention of excluding any expenditure which had been incurred in furtherance of the general interests of a party, and not directly in and about an electioneering contest. It is, however, obvious that much work may be done and money spent which, being of "doubtful use," will create perplexity when the agent has to decide whether the expenditure is or is not within the Act. Take, for instance, the case of an association by means of which a faithful record of the constituencies is kept, or whereby much labour has been devoted to registration purposes. It is clear that much of this work may be utilised for the purposes of an election ; the agent, therefore, will have to determine whether he can, with safety, accept the benefit of it without treating it as an expense incurred on behalf of his principal, and he may also have to apportion the amount of such expenses which he ought to include in his account. To assist in the solution of this problem no definite rule can be laid down : each case must be determined as it arises, and must depend upon its own circumstances. There are, however, some considerations which ought to help, if not to guide, the agent in forming his judgment. In the first place, he must determine whether any assistance he receives amounts to a contribution towards the management and conduct of the election. If, for instance, he receives canvassing books sufficiently prepared to enable a canvass to be carried on by their means, this would clearly go in relief of the expenditure he would otherwise have to incur. If, on the other hand, he were to obtain information from the secretary of an association in order to enable his own clerk to frame the canvassing books, he probably would not be



required to debit his account simply because such information had assisted him.

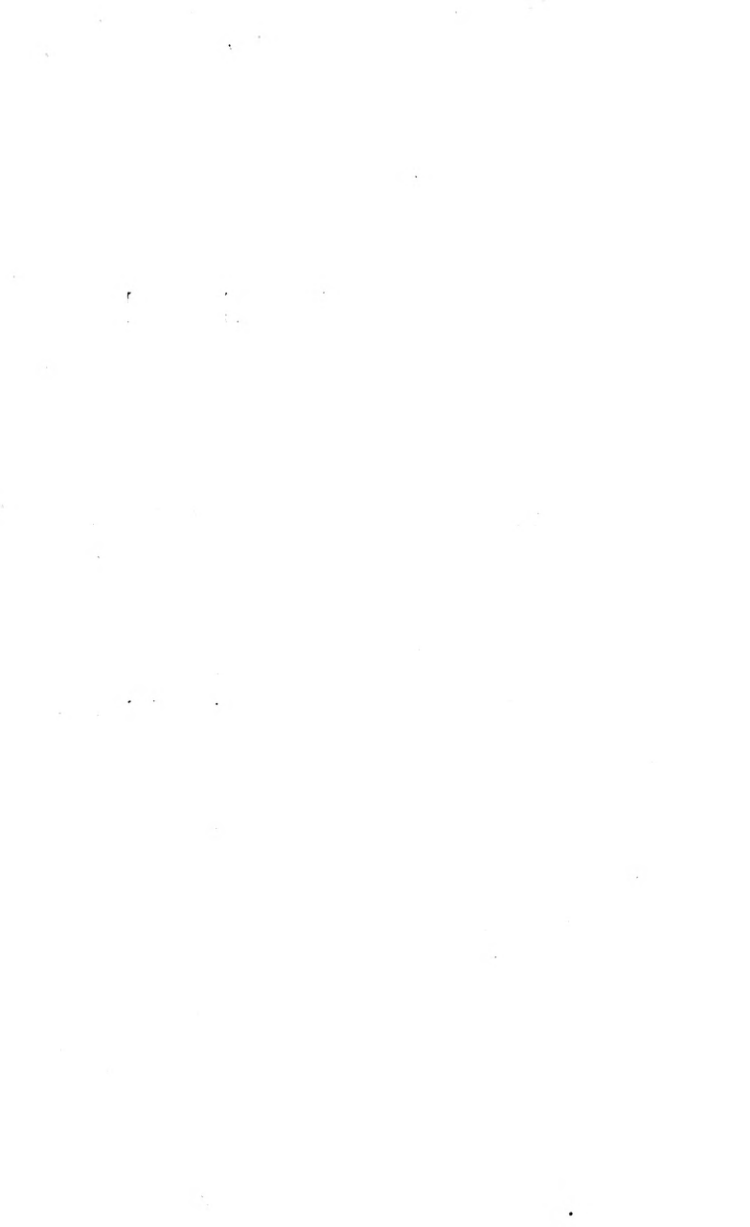
Assuming the agent to decide that the assistance he has obtained ought to be regarded as expenditure, the further difficulty of apportioning the quantum of such expenditure presents itself. He must do his best to determine how much money has been laid out in producing the assistance he has received, and he ought also to consider how much he, as agent, would have had to expend if he had not received it. It will be by mingling such considerations as these that the agent will be enabled to arrive at the amount with which he ought to charge his account, and although he may not be able to fix accurately the exact sum, still if he do his best both he and his principal will find ample protection under the provisions of the 23rd section of the Act, and neither penalty nor loss of seat will follow from honest inability to solve this and other difficult questions.

Thus glancing at a state of circumstances likely frequently to exist, we pass to the time more closely preceding the election. An election may be anticipated or sudden; a general election usually comes within the former class, a bye-election frequently arises from causes which bring it within the latter. In respect to both classes of elections, no exact definition could be framed by the Legislature of the time which is described by the words "before an election." A candidate may, if he thinks fit, commence an election contest years before it is brought to an issue, or he may make his appearance for the first time during the hours limited for nomination. Here again the agent is left to determine for himself over what time he is to regard the ex-

penditure as being incurred "on account of the election." Probably the agent will find that the date at which the expense is incurred is in itself a comparatively unimportant factor. The purpose and nature of the expenditure will form the best basis of his judgment. An agent will always have to ask himself, Was the expenditure which I am dealing with incurred "on account or in respect of the conduct and management of this election"? For instance, if a sitting member, according to annual custom, addresses his constituents even shortly before an election occurs, such a meeting might obviously tend to promote the re-election of the member, yet it would seem that the expense of the meeting would not be incurred "on account of or in respect of the conduct of such election." Again, a new candidate may wish to appear before a constituency, and so become known to it; the time when, and the circumstances under which this occurs are certainly ingredients for consideration. If no election is imminent, and the introduction of the candidate is of a general character, it would probably be held that the conduct and management of the election were not involved. But if the time of the election is certainly drawing near, and the incidents of the meeting show that it is held for the purpose of supporting the candidate in the impending contest, it would be dangerous not to include the expense both in dealing with the estimate and return. If uncertainty exists in the mind of the agent as to whether he should acknowledge expenditure or not, let him solve the difficulty by charging his accounts with every doubtful item. By so doing he will probably best consult the interests of his employer and his party.

## §II. THE ELECTION AGENT AND SUB-AGENTS.

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## § II. THE ELECTION AGENT AND SUB-AGENTS.

The new law starts from the principle that indiscriminate and uncontrolled expenditure is the main source of electoral corruption. Its aim throughout is not merely to prevent expenditure for colourable or corrupt objects, but to impose a rigid limit upon the amount which may lawfully be spent for any purpose whatever connected with the conduct or management of an election. To ensure the possibility of success it was necessary to vest the exclusive power of spending money for or on behalf of the candidate in a single responsible person, whose name and address should be advertised to the whole constituency, who should be a necessary party to every contract entered into or payment made from the beginning to the end of the contest, who should be bound to keep written evidence of every penny spent, and who should, after the election was over, be required to transmit to the returning officer, for publication to the world, a detailed account of the candidate's expenditure.

Such a person is the election agent, without whom no electoral contest can now be conducted, and upon whose fitness for his post and understanding of his duties the interests of the candidate and the party will henceforth be largely dependent. The choice of an incompetent or untrustworthy man for the post may vitiate the most successful election, for it must

never be forgotten that the candidate is responsible in a peculiar sense for the acts of his election agent. Even the minor offences of illegal payment, hiring or employment, which if committed by an ordinary agent only subject the guilty person to a fine, constitute, when committed by the election agent, *illegal practices which will imperil the seat*. If a *corrupt* practice is committed by the election agent, the seat is necessarily avoided and the Court cannot exercise in favour of the candidate the dispensing power vested in it by sections 22 and 23 (see post. pp. 20-21). Nor can the Court exercise that power if an *illegal* practice is committed by the election agent, except in the rare cases provided for by section 23 (see post. p. 21).

#### APPOINTMENT OF ELECTION AGENT.

The first step in the actual work of a contested election ought always to be the appointment, by or on behalf of the candidate, of an election agent. The name and address of the election agent must be declared in writing to the returning officer, on or before the nomination day, by the candidate or some person on his behalf, and the returning officer is forthwith to give public notice of the agent's name and address. The actual requirements of the law are therefore complied with if the appointment of the election agent is deferred till the nomination day, but as (with few exceptions) no payment can lawfully be made, or binding contract entered into, on behalf of the candidate before or during the election, except through the election agent, the appointment should always be made at the earliest possible moment. It may be made either by the candidate in person, or by anyone who is authorised by the candidate to do so, or whose act he subsequently ratifies; but it is of

s. 24 (3)

ib. (1)

course desirable, wherever practicable, that the candidate himself should name the agent.

A candidate may name himself as election agent. s. 24 (2)

No candidate may name more than one election agent, but the same person may be appointed election agent by or on behalf of two or more candidates. *ib.* (4)  
Sched. I.  
Part V. (4)

When two or more candidates are represented by the same election agent, their candidature is deemed to be joint, which fact, as will be seen presently, has an important bearing on the amount of their allowable expenditure. post.pp. 24-25

The powers and duties of an election agent begin with his appointment, and come to an end, in the natural course of things, when he has sent in his return of expenses and the accompanying declarations, which he is required to do within 35 days after the election. The appointment may, however, be revoked at any time by the candidate—even a candidate's appointment of himself—and it may be prematurely terminated by the death of the agent. In either case, a fresh election agent must be forthwith nominated, and his name and address declared in writing to, and published by, the returning officer. s. 24 (4)

#### SUB-AGENTS.

In counties, and in the boroughs of East Retford, Shoreham, Cricklade, Much Wenlock, and Aylesbury, an election agent may appoint deputies (called *sub-agents*) in the proportion of one sub-agent to each polling district. Counties and the five boroughs in question are required to be divided into polling districts, in such a manner that, as far as is practicable, the polling place of every resident elector shall not be more than three miles from his residence. But no polling district need be constituted containing less s. 47.

than 100 electors. Each sub-agent must be appointed to act within a specified polling district, and within that district he has the same powers and duties, and is subject to the same liabilities, as an election agent. One important consequence of this is that the offences of *illegal payment, employment, or hiring* constitute, *when committed by a sub-agent within his own district, illegal practices*, and therefore imperil the candidate's seat.

s. 25 (2)

s. 25 (3) The name and address of each sub-agent must be declared in writing by the election agent to the returning officer one clear day before the polling, and forthwith published by the returning officer.

s. 25 (4) The appointment of a sub-agent is not put an end to by the death or removal from office of the election agent who nominated him ; but it may be terminated by the death of the sub-agent or by the election agent revoking the sub-agent's authority. In either of these latter cases a fresh sub-agent may be forthwith nominated, and if so, his name and address must be declared in writing to, and published by, the returning officer.

#### OFFICIAL ADDRESS OF ELECTION AGENT AND SUB-AGENTS.

s. 26 (1) The election agent is required to have an office at a fixed address, to which all claims, notices, writs, summonses, and documents in relation to the election may be sent. In the case of a borough election, the office should be within the borough. In the case of a county election, it may be anywhere within the county, or in any adjoining county of a city or town. As a rule the county town should be chosen in the case of county elections, but there are towns which are counties of themselves, such, *e.g.*, as Bristol, in which it may be convenient to establish the offices of the



agents for adjoining divisions of counties. The Act permits this to be done.

A sub-agent must in like manner have an office within his district, or within some adjoining county of a city or town. s. 26 (1)

The address of the office is the address which has to be declared to, and published by, the returning officer as that of the election agent or sub-agent (as *ib.* the case may be), when their appointments are notified.

All documents properly addressed and delivered at the respective offices of the election agent or sub-agent are deemed to have been duly served on them, and, for the purpose of being sued in respect of any matter connected with the election, the agent and sub-agent are deemed to reside where their respective offices are situated. s. 26 (2)

#### DUTIES OF ELECTION AGENT AND SUB-AGENTS.

The election agent is primarily responsible for everything that is done in connection with the conduct and management of the election, and a detailed description of the expenditure which he may lawfully incur, as well as of that which he is bound to avoid, will be found in the next section. But the following general rules as to the duties of the election agent and his sub-agents may be best stated here :—

(1) No one but the candidate himself or the election agent (acting by himself or by his sub-agents) can bind the candidate by any contract whereby expenses are incurred on account or in respect of the conduct or management of an election. A contract made by any other agent is not legally enforceable against the s. 27 (2)

candidate, though it may vitiate his election if it involve a corrupt or illegal practice.

s. 28 (1) (2) No payment, or advance, or deposit may be made by the candidate himself, by any of his agents, or by any other person (which last term includes an association or body of persons), for election expenses, except by or through the election agent (acting by himself or by a sub-agent). Further, all money given or lent by any person other than the candidate, to provide for election expenses, must be paid either to the candidate himself or to his election agent.

s. 28 (2) To violate this rule is an *illegal practice*, which, if committed by *any agent* of the candidate, may avoid the election, and by whomsoever committed is punishable by fine, and disfranchisement for five years.

The Act, however, permits certain exceptions to the rule :—

s. 31 (1) (a) The candidate may himself defray his own “personal expenses” up to £100; any further sum he must pay through the election agent.

s. 28 (1) (b) Any person may, on behalf of the candidate, tender security to the returning officer for his charges.

*ib.* (c) The returning officer may himself make any payment which the law allows him to make.

*ib.* (d) Any person may pay out of his own pocket any small expenses *legally* incurred *by himself* if such sum is not repaid to him (*e.g.*, for a telegram, or a casual message, or a ride in a cab). No account need be kept of such payments.

s. 31 (2), and see post. p. 35. (e) Any person who is so authorised, *in writing*, by the election agent, may pay any necessary expenses for stationery, postage, telegrams, and

other petty expenses. The written authority should name a limit, and any excess above the limit must be paid through the election agent. Full particulars of all payments under such an authority must be kept, and sent in to the election agent after the election. s. 31 (3)

(3) Every payment made by an election agent or sub-agent which amounts to, or exceeds 40s., must be vouched for by a bill stating the particulars, and by a receipt. s. 29 (1)



## § III. THE CONTEST.

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### § III. THE CONTEST.

Assuming that a contest has begun, we have now to enumerate and describe the rules to which the candidates and their agents must conform, and the various classes of unlawful acts which they must avoid. A complete list of corrupt and illegal practices, and of the minor election offences of illegal payment, hiring, and employment, with the punishment and other consequences incident to each, will be found in *Post*, pp. 63-66. Appendix I. Our immediate object in the following pages is to provide a guide for candidates and election agents who are determined to conduct the contest in such a way as not to imperil the seat. For this purpose we have arranged the subject in what seems to be, from a practical point of view, its most natural and convenient order, dealing first with every kind of election expenditure, legitimate and illegitimate, and then proceeding to consider by what acts other than the payment of money or money's worth the law is violated and the election rendered void.

One or two preliminary observations of a general kind must be made. First, it must not be supposed, from the prominence given to the election agent, that the new law has at all diminished the responsibility of the candidate for the acts of other agents. The Act of 1883 has not in any way altered the legal definition of *agency* for election purposes. The question whether any particular person, who is proved to have been guilty of a corrupt or illegal practice, stood to the candidate in the relation of agent to principal will be determined by precisely the same tests as before. The Act has slightly

extended the list of corrupt practices, and it has introduced into election law a number of new offences, some of which are illegal practices, while others fall within the lower category of illegal payment, hiring, or employment. The general result (apart from the question of specific punishments, with which at present we are not dealing) is that *any corrupt and (with certain exceptions) any illegal practice committed by any agent of a candidate will avoid that candidate's election.* The minor offences of illegal payment, &c., on the other hand, and certain forms of illegal practice, will not avoid the election, though committed by an agent, unless that agent be the election agent, or a sub-agent acting in his district.

s. 64.

Again, in the rules which relate to election expenditure, the expressions "payment," "contract for payment," "promise of payment," &c., constantly recur. In all these cases the definition of "payment" given in the Act must be carefully borne in mind. "The expression 'payment' includes any pecuniary or other reward; and the expressions 'pecuniary reward' and 'money' shall be deemed to include any office, place, or employment, and any valuable security, or other equivalent for money, and any valuable consideration." In other words, any valuable consideration, whether in the form of money or money's worth, is a *payment* within the meaning of the Act.

Further, the Act gives to the Election Courts discretionary power to relieve both the candidate and his agents from the consequences of trivial and unintended offences. By virtue of section 22 a successful candidate will not be deprived of his seat for corrupt or illegal practices committed by an agent, provided it



is proved (a) that no corrupt or illegal practice was committed by the *candidate* or his *election agent*, and that the offences committed were committed contrary to the orders, and without the sanction or connivance, of the candidate or his election agent ; and (b) that the candidate and election agent took all reasonable means for preventing corrupt and illegal practices ; and (c) that the offences committed were of a trivial, limited, and unimportant character ; and (d) that in all other respects the election was free from *any corrupt or illegal practice* on the part of the candidate and *his agents*.

By virtue of section 23 the Election Court or the High Court may make an order excepting a particular act or omission which, but for the order, would be an *illegal* practice, payment, employment, or hiring, and exempting the candidate and the agent or other person, whose act or omission it is, from the consequences which would otherwise follow. This power does not extend to a *corrupt* practice, and can only be exercised when the Court is satisfied that the act or omission in question (a) arose from inadvertence or accidental miscalculation, or some other reasonable cause of a like nature ; (b) did not arise from any want of good faith. Moreover, such public notice of the application as the Court thinks fit must be given in the place where the election was held.

#### ELECTION EXPENSES.

The lawful expenses at an election are limited by the new law in two ways—with respect to their amount, and with respect to their object. The expenditure of a candidate must not, as a whole, exceed the scale prescribed by the Act. And every item in it must be

confined to purposes which the law does not prohibit.

#### THE MAXIMUM SCALE.

s. 8 (1) No sum may be paid and no expense incurred by a candidate or his election agent, whether before, during, or after an election, on account or in respect of the conduct or management of such election, in excess of the maximum specified in that behalf in the First Schedule to the Act.

*Any candidate or election agent who knowingly contravenes this rule is guilty of an illegal practice which may avoid the election.*

ante p. 14.

ante pp. 3-6.

We have already seen that no payment can lawfully be made by anyone other than the election agent, with certain special exceptions. We have also discussed the difficulties which may arise in determining what payments are made "on account or in respect of the conduct or management of the election." The important thing now to observe is, that *no matter how legitimate in themselves the objects may be on which the expenditure has been incurred*, the seat is endangered if the maximum scale is exceeded. It is true that an illegal practice is not committed unless the maximum is *knowingly* transgressed. But such knowledge will be imputed to every candidate or election agent, who ought, from what was going on under his eyes, to have drawn the inference, as a reasonable man, that the scale had been or was about to be passed. Every prudent election agent should, therefore, at the outset of the contest form the best estimate he can of the probable cost of the operations contemplated, allowing a sufficient margin for possible excess in the case of each item, and should, through-

out, be vigilant that nothing, however legitimate in itself, is undertaken or ordered which cannot be brought within his estimate.

Note, however, that the following three heads of expenditure are not included in the maximum scale, *i.e.*, expenses falling under them may be incurred *in addition to the maximum*.

- (a) Returning officer's charges. post p. 37.
- (b) Personal expenses of candidate. post p. 37.
- (c) Expenses of conveying voters by sea in certain post p. 40  
excepted cases.

The maximum scale in England and Wales is as follows :—

#### IN BOROUGHES:

Constituency			For One Candidate.	For Two Joint Candidates.
Not			£	£
exceeding	2,000	electors	350	525
"	3,000	"	380	570
"	4,000	"	410	615
"	5,000	"	440	660
"	6,000	"	470	705
"	7,000	"	500	750
"	8,000	"	530	795
"	9,000	"	560	840
"	10,000	"	590	885
"	11,000	"	620	930
"	12,000	"	650	975
"	13,000	"	680	1,020
"	14,000	"	710	1,065
"	15,000	"	*740	†1,110

\* And so on, adding £30 for every complete 1,000 electors.

† And so on, adding £45 for every complete 1,000 electors.

## IN COUNTIES,

And in the Boroughs of East Retford, Shoreham, Cricklade,  
Much Wenlock, and Aylesbury:

Constituency			For One Candidate.	For Two Joint Candidates.
Not			£	£
exceeding	2,000	electors	650	975
"	3,000	"	710	1,065
"	4,000	"	770	1,155
"	5,000	"	830	1,245
"	6,000	"	890	1,335
"	7,000	"	950	1,425
"	8,000	"	1,010	1,515
"	9,000	"	1,070	1,605
"	10,000	"	1,130	1,695
"	11,000	"	1,190	1,785
"	12,000	"	1,250	1,875
"	13,000	"	1,310	1,965
"	14,000	"	1,370	2,055
"	15,000	"	*1,430	†2,145

\* And so on, adding £60 for every complete 1,000 electors.

† And so on, adding £90 for every complete 1,000 electors.

As to this scale, observe :

Sched. I.  
Part V. (2)

(a) For the purpose of the scale, the number of electors means the number on the register, without allowing for deaths or other causes of deduction.

Sched. I.  
Part V. (4)

(b) Candidates are treated as joint who either  
(i.) appoint the same election agent, or  
(ii.) hire or use the same committee rooms, by themselves or any agent, or  
(iii.) employ the same sub-agents, clerks, messengers or polling agents, or  
(iv.) publish a joint address or joint circular or notice.

ib.

In cases (ii.) and (iii.) the candidature will not be deemed joint if the hire or employment be accidental or trivial. Moreover, in cases where joint candidates separate, or single candidates coalesce, during an election, the Election

Court may relieve a candidate from the consequences of his expenditure exceeding the *ib.* 4 (c) joint scale, provided it does not exceed the *s.* 23. separate scale.

- (c) Two joint candidates may spend one and a-half times as much as a single candidate.

Three joint candidates may spend twice as much as a single candidate.

Four joint candidates may spend two and two-thirds as much as a single candidate.

#### LEGITIMATE EXPENDITURE.

Not only must the expenditure as a whole be kept within the maximum, but certain important items are indirectly limited in amount by the compulsory simplification of some necessary parts of the apparatus of elections. Of this character are the restrictions now imposed on the number of paid employés and hired committee rooms.

##### (1.) *Employment.*

Corrupt employment, *i.e.*, the employment for reward of persons whose services are not really required, and are only enlisted for the purpose of securing their own votes or influencing those of others, always has been, and still is, a form of bribery.

Corr. P. Act.  
1854, s. 2 (2)

The two following kinds of disqualification for employment should also be borne in mind by candidates and election agents :—

- (a) If a candidate *personally* engages as agent for the management of the election any person, *Parl. El. Act, knowing* that such person has within seven years *1868, s. 44.* previous to such engagement been convicted or

reported guilty of any *corrupt practice*, the election of such candidate shall be void.

This section is not confined to cases in which the candidate *in person* engages the agent ; it applies also wherever the engagement can be shown to have been entered into with the candidate's knowledge and consent.

(b) No returning officer, nor his deputy, nor any partner or clerk of either of them, may act as agent for any candidate in the management or conduct of his election.

Rep. P. Act,  
1867, s. 50.

Ballot Act,  
s. 11.

Any such person so acting is guilty of a misdemeanour.

So much for the old law, which is still in force. But the Act of 1883 goes a great deal further. It *restricts the number of persons whose services may be hired, bonâ fide, and without any colourable pretext, for the purposes of the election*. Hitherto there has been no limitation upon the engagement of paid employés for legitimate purposes, although persons so employed were disqualified (if electors) from recording their votes.

Rep. P. Act,  
1867, s. 11.

1883, s. 17.

Now, however, to engage or employ any person, whether an elector or not, for *payment or promise of payment*, in any capacity or for any purpose except such as are mentioned in, or authorised by, the first and second parts of the First Schedule of the Act, is to be guilty of illegal employment : an offence which, if committed by the candidate himself, or his election agent, or any sub-agent in his district, is an *illegal practice* and may *avoid the election*.

Two general remarks may be made with reference to this important rule. First, there is absolutely no limit or restriction upon the numbers of *gratuitous or volunteer workers* whose services may be enlisted for any lawful purpose in connection with the election. The

policy of the Act is, not to put an artificial restraint upon the vigour and effectiveness of electioneering operations, but to substitute, as far as is reasonably possible, voluntary for paid labour. Secondly, to employ a man means to hire his services, and when a candidate or agent contracts, for instance, with a master printer or advertiser for the printing or advertising in connection with the election, the candidate or agent cannot be said to "employ" the servants of the printer or advertiser. Thus, a printer's man by carrying a proof to, or delivering a bundle of placards at, a committee room, that being part of his ordinary and regular work, does not become a "messenger" within the meaning of the Act. Nor would the clerks of a contracting printer, part of whose ordinary business it is to address and post printed matter, become, by reason of performing such services in carrying out their employer's contract, "clerks" within the meaning of the Act, though, of course, all sums paid by the election agent to their employer would have to be included in the return. On the other hand, the restrictions imposed on employment cannot be evaded by delegating the work of the election to political associations. If, for example, such an association has a staff of *paid* clerks and messengers, the use of their services on behalf of a candidate in matters relating to the election constitutes "employment," and their number will be counted among the persons employed if the question, whether the scale prescribed by the Act has been exceeded, should afterwards arise. For the same reason the sum saved to the candidate by the employment of such persons is an "election expense," which must be included in the return and will be counted for the purpose of ascertaining whether the maximum expenditure allowed by the scale has been passed.

The following is the

Sched. I.  
Part I.

# SCALE OF EMPLOYMENT.

## (i.) *In Boroughs.*

1. One election agent.
2. One polling agent in each polling station (*i.e.*, a personation agent appointed in pursuance of 6 Vict., c. 18, s. 85).
3. One clerk and one messenger, if the number of electors does not exceed 500.
4. An additional clerk and an additional messenger is allowed for each additional 500 electors, or fraction of 500.

*Example.*—Borough A has 1,501 electors.  
Borough B has 1,999. A candidate in each may employ four clerks and four messengers.

## (ii.) *In Counties and the Boroughs of East Retford, Shoreham, Cricklade, Much Wenlock, and Aylesbury.*

1. One election agent.
2. One sub-agent to act in each polling district.
3. One polling agent in each polling station.
4. At the central committee room : one clerk and one messenger, if the number of electors does not exceed 5,000, and an additional clerk and an additional messenger for each additional 5,000 electors or fraction of 5,000.
5. Further, as many clerks and as many messengers as there are polling districts in the county, and if the number of electors in any polling district exceeds 500 an additional clerk and an additional messenger for each additional 500 or fraction of 500. It is expressly provided that the clerks and messengers so allowed may be employed in any polling district where their services may be required.



No elector who renders paid service in any of these capacities may vote. Sched. I.  
Part I. (7)

If he votes, having been so employed within six months of or during the election, he is guilty of a misdemeanour, and on a scrutiny his vote will be struck off. Rep. P. Act,  
1867, s. 11.

Only the election agent, or in a county his sub-agent, has power to appoint polling agents, clerks, and messengers. 1883, s. 27 (1)

### (2.) *Committee Rooms.*

The Act does not define a committee room, and the question whether any particular room is or is not a committee room within the meaning of the Act will depend, not upon the name given to it, but upon the purposes for which it is used. It will be the safest course to assume that any room which is habitually employed before or during the contest for the transaction of the business of the election by the candidate or any of his agents (using the term "agent" in its wider sense) ought to be and will be regarded as a "committee room" within the meaning of the Act.

It is, however, expressly provided (*a*) that no house or room occupied by a candidate *as a dwelling* shall be deemed to be a committee room by reason only of the candidate there transacting business with his agents in relation to such election: s. 64.

(*b*) that no room or building shall be deemed to be a committee room by reason only of the candidate or any agent of the candidate *addressing* therein electors, committeemen, or others. *ib.*

The restrictions imposed by the Act on the use of committee rooms are of two kinds—the first applying to all committee rooms, whether gratuitously lent or hired for reward, the second applying only to committee rooms which are hired for reward.

(A.) *Restrictions applicable to all Committee Rooms.*

Premises which come under any of the following descriptions, or any part of such premises, may not be used as committee rooms, although no money is paid, or agreed, or intended to be paid, for the use of them :—

s. 20.

s. 20 (a)

- (i.) Premises on which the sale, by wholesale or retail, of any intoxicating liquor is authorised by a licence, whether the licence be for consumption on or off the premises.

The term “licence” is used in its widest sense to include not only a justices’ but an Excise licence, and no premises in which intoxicating liquor is sold, under any kind of licence, can be used for a committee room.

This includes, *e.g.*, alehouses (*i.e.*, all ordinary hotels, inns, and public-houses), beerhouses, refreshment-houses with a wine licence (*i.e.*, most confectioners’ shops), grocers’ and other shops with off licences, and the premises of wholesale brewers and spirit and wine merchants.

s. 20 (b)

- (ii.) Premises where any intoxicating liquor is sold or is supplied to members of a club, society, or association other than a *permanent political club*.

A *bonâ fide* club may lawfully provide intoxicating liquor for the consumption of its own members without a licence, but the premises of such clubs may not be used for committee rooms, unless the club is *political, i.e.*, an association the membership of which depends on the political views of the member, and *permanent, i.e.*, not established with a view to the particular election.

It is possible that the exception of permanent political clubs from the prohibited classes of premises may tempt election agents to make a more extensive use than they otherwise would of the buildings of such clubs for the purpose of committee rooms. It should, therefore, be borne in mind that the association of a candidate with a club, and the use by him of its rooms, for election purposes, is attended with the risk, which must always be carefully weighed, of making the club and its members *agents of the candidate*, who may thus become liable for illegal practices of which he has no cognisance and which it is very difficult to foresee or prevent.

- (iii.) Premises whereon refreshment of any kind, s. 20 (c) whether food or drink, is ordinarily sold for consumption on the premises.

This includes coffee and cocoa taverns, confectioners' shops of every kind, and all forms of eating houses.

The object with which the Legislature has forbidden the use of these three kinds of premises for committee rooms, is to diminish the temptation to, and facilities for, treating which the transaction of election business in houses of public refreshment affords. In order to confine the prohibition to what is reasonably necessary for the purpose in view, the Act provides that it shall not apply to any part of such premises which (a) is ordinarily let for chambers, s. 20. offices, the holding of public meetings or of arbitrations, and (b) has a separate entrance, and (c) has no direct communication with any part of the premises on which any intoxicating liquor is sold or supplied.

(iv.) The premises of any public elementary school in receipt of an annual Parliamentary grant.

Such places may be, and often are, used for polling stations.

To let, hire, or *use* any of the premises just enumerated or any part of them as a committee room is to be guilty of illegal hiring, which offence, if committed by the candidate, or his election agent, or a sub-agent in the polling district for which he is a sub-agent, is an *illegal practice* and may avoid the election.

(B.)—*Restrictions applicable to hired Committee Rooms.*

s. 7 (1) (c) No payment or contract for payment may be made before, during, or after the election on account of any committee room in excess of the number allowed by the First Schedule to the Act.

s. 7 (2) Knowingly to make or receive such a payment, or become a party to such a contract, is an *illegal practice*, which, if committed by the candidate, or *any agent* of the candidate, may avoid the election.

The following is the scale fixed by the Schedule for hired committee rooms :

(i.) *In Boroughs.*

Sched. I.  
Part II. (6)

One committee room at least in all cases. If there are more than 500 electors on the register for the time being and not more than 1,000, *two* committee rooms in all. If more than 1,000 and not more than 1,500, *three* committee rooms in all.

And so on, an additional committee room being allowed for each additional 500 electors, *or fraction of 500.*

*Examples—*(a) On the register of borough A there are 1,500 electors. A candidate for A is allowed three hired committee rooms.

(b) On the register of borough B there are 1,501 electors. A candidate for B is allowed four hired committee rooms.

(ii.) *In Counties.*

(a) One *central* committee room in all cases. Sched. I.  
(b) Further, one committee room for each Part II. (7)  
polling district in all cases.

(c) One additional committee room in each polling district for *every complete* 500 electors over and above the first 500.

*Examples.*—In polling district A there are 1,499 electors : only two hired committee rooms allowed in that district.

In polling district B there are 1,501 electors : three hired committee rooms allowed in that district.

It should, of course, be borne in mind that there is no limit to the number of committee rooms which may be lawfully employed, provided (1) that they are lent and used gratuitously, and (2) that they are not situated in or upon any of the forbidden kinds of premises.

We now come to a second class of legitimate expenses, the amount of which is only limited by the requirement that the total expenditure of the candidate shall not exceed the maximum applicable to the constituency by virtue of the prescribed scale.

It will be seen, however, that in the case of the most important item under this head, viz., printing and advertising, incidental restrictions are imposed, the tendency of which is not only to prevent abuse but to cut down the outlay.

(3.) *Printing and Advertising.*

Sched. I.  
Part II. (3) Subject to the condition that the maximum scale of allowable expenses is not exceeded, money may be legitimately expended in printing and advertising, and in publishing, issuing, and distributing addresses and notices.

s. 17 (1)  
1867, s. 11.  
ante pp. 27-28. The employment of persons, whether electors or not, for these purposes is not illegal, but any elector so employed for reward may not vote. And no attempt should be made to evade the provisions of Schedule I., Part I., already described, which limit the number of clerks and messengers who may be legitimately employed, by engaging additional persons to placard and distribute addresses and notices. The proper and only safe course is to contract with one or more printers and advertising agents to do this branch of the work in the ordinary way of his trade and through his regular employés. Payments made to such a contractor for the performance of his contract will be protected.

In this matter especial care should be taken to avoid the two kinds of illegal practice next described.

s. 18. (i.) No bill, placard, or poster having reference to the election may be put up or published which does not bear on its face the name and address of the printer and publisher.

If the candidate himself, or his election agent, or any sub-agent within his own polling district, causes a bill, placard, or poster which violates this rule to be

printed, published, or posted, he commits an *illegal practice* which may void the election.

(ii.) No payment or contract for payment may be made to or with an *elector* (1) for the exhibition of any address, bill, or notice, (2) for the use of a house, s. 7 (1) (b) land, building, or premises for the exhibition of any address, bill, or notice.

Knowingly to make or receive such a payment, or become a party to such a contract, is an *illegal practice* s. 7 (2) which, if committed by the candidate, or *any agent* of the candidate, may avoid the election.

*Note.* (a) This prohibition is confined to payments or contracts for payment made to or with *electors*, i.e., persons whose names are for s. 64. the time being on the register.

(b) An exception is made in favour of payments s. 7 (3) to, and contracts with, electors who *carry on the business* of advertising agents, and part of whose trade it is to exhibit for payment bills and advertisements. Many shopkeepers are in the habit of exhibiting outside their shops, and presumably for payment in some shape or other, the bills of theatres and music halls, and the advertisements of railways and other commercial undertakings. Such persons, however, do *not* come within the protection of this exception, and, if electors, should not be employed, nor their shops or premises hired, to exhibit election placards. The exhibition of placards, &c., should, if possible, be done gratuitously, and where that is impossible only recognised advertising agents or non-electors should be employed.

(4.) *Stationery, Messages, Postage, and Telegrams.*

These are lawful expenses and, provided the maximum limit for the total expenditure is observed

Sched. I.  
Part II. (4)

- ante p. 14      there is no restriction on their amount. As has been already stated, the election agent may, by a *written*
- s. 31 (2)      authority stating a limit, delegate to other persons the power of making payments for expenses of this kind
- s. 31 (3)      up to that limit. Such persons must keep and transmit to the election agent a detailed account of all payments so made by them.

### (5.) *Public Meetings.*

- Sched. I.      The expense of holding public meetings is a lawful
- Part II. (5)      expense, not limited in amount, subject to the condition that the total maximum is not exceeded.

- s. 64.      Nor is there any restriction as to the premises in which public meetings may be held. A room does not become a "committee room" within the meaning of the Act merely because the candidate or an agent of the candidate addresses a gathering of people therein. An elector who lets for hire a room for the purpose of holding a meeting in support of a candidate therein does not commit any offence against the law, nor does he disqualify himself from voting.

All the expenses ordinarily and reasonably incident to the holding of public meetings come under this head—such, *e.g.*, as cost of gas, chairs, payment of the regular attendants, &c.

### (6.) *Miscellaneous Petty Expenses.*

- Sched. I.      Expenses in respect of miscellaneous matters, not specially enumerated, may lawfully be incurred, provided
- Part III.

- (a) They do not exceed in the whole £200.
- (b) They are not incurred in respect of any matter or in any manner prohibited by law.
- (c) The total expenditure of the candidate does not exceed the maximum applicable to the constituency.



The next and last class of lawful expenditure differs from all those which we have hitherto described in that it is not counted for the purpose of ascertaining whether the maximum total allowed by the scale has been reached.

This head comprises three items, of which only two are of much practical importance, viz., the returning officer's charges and the personal expenses of the candidate; and although neither of these is included in the maximum scale, yet both are confined by reason of other provisions in the Act within a practically narrow range.

#### (7.) *Returning Officer's Charges.*

The returning officer's charges are regulated by the Parliamentary Elections (Returning Officers) Act, 1875 Sched. I. (38 and 39 Vict. c. 84), and may not exceed the amount Part II. (1) authorised by the First Schedule to that Act.

The returning officer is bound to transmit the account of the charges claimed by him to the *election agent* of each candidate within 21 days after the day on which the return is made of the persons elected, and is not entitled to any charges not included in the account. If the election agent objects to any part of the returning officer's claim, the former may, at any time within 14 days from the time when the account is transmitted to him, apply to the County Court to tax it.

As to payment of these charges, see post p. 54.

#### (8.) *Personal Expenses of the Candidate.*

This expression includes, (1) the reasonable travelling expenses of the candidate, and (2) the reasonable expenses of his living at hotels or elsewhere, for the

purposes of, and in relation to, the election. Nothing that does not fairly fall within one or other of these two heads can safely be treated as "personal expenses."

- s. 31 (1) Up to an amount not exceeding £100, the candidate may himself pay his "personal expenses." Any further personal expenses must be paid through his election agent, and if any sum above £100 is so paid by the candidate himself, or by any person on his behalf other than his election agent, an *illegal* practice is committed which may avoid the election. As to the account of these expenses to be sent in by the candidate, see post. p. 54.
- s. 28.

- s. 33 (1) (b) Both the charges of the returning officer and the personal expenses of the candidate, though not counted and (c) for the purpose of ascertaining whether the maximum see post. p. 57. scale has been reached, must be included in the return of election expenses.

### (9.) *Conveyance of Voters by Sea.*

In certain rare cases the expense of conveying voters to the poll by sea may be paid; such expenses when lawful are not included in the maximum. See "Conveyance of Voters," post. p. 40.

### ILLEGITIMATE EXPENDITURE.

In enumerating the different kinds of lawful expenditure, and pointing out the limits imposed by the Act upon their total amount and upon the modes in which they may be properly incurred, we have necessarily indicated a number of the forms which illegal expenditure may assume. These may be summarised as follows: Payments or advances for election ex-

penses, except made by or through the election agent (p. 14); payments in excess of the maximum scale (p. 22); payments for the employment of persons or hire of committee rooms in excess of the number or in violation of the other conditions prescribed by the Act (pp. 25-34); payments to electors for the exhibition of placards (p. 35). We have now to deal with expenditure which is unlawful, *irrespective of its amount*, being regarded by the law as necessarily and under all circumstances of a corrupt and demoralising tendency.

### (1.) *Bribery.*

The definition of bribery remains unchanged. The statutory definition is contained in sections 2 and 3 of the Corrupt Practices Act, 1854, which sections are set out at length in Schedule III., Part 3, of the Act of 1883. All persons of experience in election matters are conversant with the substance of these sections, and with the judicial interpretations which have been put upon them by Committees of the House of Commons and Her Majesty's judges. It would serve no useful purpose to reproduce them here. By the Representation of the People Act, 1867, s. 49 (set out in the same schedule), the corrupt payment of rates is to be deemed a form of bribery, and punishable accordingly.

Bribery being a *corrupt* practice, persons guilty of s. 3. it are subjected by the Act of 1883 to severer penalties and disabilities than before. (See Appendix post. p. 63. I.) But for our present purpose it is sufficient to say that bribery committed by the candidate or *any agent* avoids the election.

### (2.) *Treating.*

The definition of this offence has been slightly altered, section 1., subs. 1, of the Act of 1883 being

substituted for section 4 of the Corrupt Practices Act, 1854.

The chief difference is that now not only a candidate who provides but *any person who provides or accepts* corrupt entertainment is guilty of treating and subject to the disabilities and punishments incident to a corrupt practice.

- s. 3. Treating being a *corrupt* practice is an offence which if committed by the candidate or *any agent* avoids the election.

(3.) *Conveyance of Voters to and from the Poll.*

- s. 7 (1) (a) (A.)—*Payments for Conveyance Illegal.*—No payment or contract for payment may be made before, during, or after the election on account of the conveyance of electors to or from the poll, whether for the hiring of horses or carriages or for railway fares or otherwise.

- s. 7 (2) Knowingly to make or receive such a payment, or become a party to such a contract, is an *illegal practice*, which if committed by the candidate, or *any agent* of the candidate, may avoid the election.

- s. 48. The only exception allowed to this rule is the rare case in which at a *county* election any *resident* electors are unable to reach their polling place without crossing the sea or an arm of the sea. Means for conveying electors so situated by sea to their polling place may be provided at the expense of the candidate.

As to this exception, note

- (a) It applies only to *county* elections and does not permit the conveyance of *outvoters*.
- (b) It only permits the hiring of boats or other sea vessels for the purpose of carrying the voter from his own shore to the shore nearest the polling place. It does not sanction the hiring of land vehicles at either end, nor

(apparently) the hiring of boats to convey the voter home again after he has polled.

- (c) The payment (if any) must be included in the agent's return of expenses, but will not be counted for the purpose of ascertaining whether the maximum amount of expenditure allowed has been exceeded.

(B.)—*Loans of Carriages kept for Hire Illegal*.—In order to prevent colourable evasions of the law, all persons “who keep or use carriages, horses, or other animals for the purpose of letting them out for hire”—*i.e.*, job masters, livery stable keepers, cab and fly owners, &c.—are expressly forbidden to “let, lend, or employ” any such vehicle or animal for the purpose of the conveyance of electors to or from the poll.

Nor may any person “hire, borrow, or use” for that purpose such vehicles or animals. In other words, the *gratuitous use*, on the polling day, for purposes of conveyance, of vehicles or animals, *which are ordinarily let for hire*, is prohibited, and both lender and borrower, if they act knowingly, are guilty of the offence of illegal hiring.

If this offence is committed by the candidate, or by his election agent, or by a sub-agent in the polling district for which he is sub-agent, it constitutes an *illegal practice*, and as such may avoid the election.

(C.)—*Legal Modes of Conveyance*.—(a) Any elector may hire a vehicle or an animal (from a livery stable keeper, &c.) at his own expense for the purpose of being himself conveyed to or from the poll.

(b) Several electors may join in hiring a vehicle or animals at their joint cost for the purpose of being themselves so conveyed.

*ib.*

If two or more electors are going to the poll in a vehicle which they have jointly hired, they cannot safely give a "lift" to a friend who is also on his way to vote, except on condition that he shall share the cost of the drive.

s. 14 (4)

(c) The owner of any vehicle or animal which he does not keep or use for the purpose of letting out for hire, may lend such carriage or horse *gratuitously* for the conveyance of voters to the poll. In such case neither lenders nor borrowers will be guilty of any offence.

Thus private carriages, the carts of farmers, the waggons of manufacturers, and the gigs or spring carts of shopkeepers, may be used for the conveyance of voters, *if they are lent, bonâ fide, without payment, or the promise of payment.* Moreover, it is expressly provided that such a use of a vehicle shall not *of itself* render the owner liable to pay duty or take out a licence, or destroy any exemption which he enjoys in respect of such vehicle.

#### (4.) *Bands, Flags, and Badges.*

s. 16 (1)

No payment, or contract for payment, may be made before, during or after the election for the purpose of promoting or procuring the election of a candidate on account of bands of music, torches, flags, banners, cockades, ribbons, or other marks of distinction.

Such a payment or contract, by whomsoever made, is an *illegal payment*, and if made by the candidate or his election agent, or by a sub-agent in the polling district for which he is sub-agent, it is an *illegal practice* which may avoid the election.

The phrase "other marks of distinction" would probably be held to include any kind of party badge, such, *e.g.*, as a medal or even a selected flower intended

to be worn or carried as an external and public symbol of adherence to the cause of a particular candidate.

(5.) *Corrupt Withdrawal.*

Any person who corruptly induces or procures any candidate to withdraw his candidature in consideration s. 15. of any payment, or promise of payment, is guilty of illegal payment.

If the offence is committed by a candidate or his election agent, or by a sub-agent in his own district, it is an *illegal practice*, and may *avoid the election*.

There is no "candidature" in existence for the purpose of this rule until a vacancy has occurred in the seat which the election is held to fill. "Payment" here as elsewhere includes pecuniary or *other* reward.

s. 63.

s. 64.

ante p. 20

Compare the offence of publishing a false statement of withdrawal (post. p. 48.)

(6.) *Providing Money for an Illegal Purpose.*

Anyone who *knowingly* provides money either (a) for any payment prohibited by the Act, or in excess of any maximum allowed by the Act, or (b) for replacing money so paid, is guilty of illegal payment.

s. 13.

comp.s.28 (1).

This offence, if committed by the candidate or the election agent, or a sub-agent in his own district, is an *illegal practice*, and may avoid the election.

## MISCELLANEOUS ELECTION OFFENCES.

The main object of the Acts relating to corrupt and illegal practices is to prevent and punish corruption in its natural and ordinary sense, *i.e.*, the direct or indirect employment of money to purchase support or buy off opposition. There are, however, other modes of

exercising illicit influence for election purposes, besides the payment of money or money's worth, which are equally repugnant to the policy of the law, and which are visited with similar consequences. These we shall now proceed to enumerate.

The following are *corrupt* practices :—

s. 3.

(1.) *Undue Influence.*

s. 2.

This offence is committed by every person who,

(a) directly or indirectly,

(b) by himself or any other person on his behalf,

(c) in order to induce or compel another person to vote or refrain from voting, or

(d) on account of another person having voted or refrained from voting,

physical coercion.

Either (i.) uses or threatens to use any force, violence, or restraint,

material injury and moral coercion.

Or (ii.) inflicts or threatens to inflict by himself or by any other person, any temporal or spiritual injury, damage, harm, or loss.

And the offence is equally committed by

abduction and fraud.

(iii.) Every person who by abduction, duress, or any fraudulent device or contrivance impedes or prevents the free exercise of the franchise of any elector, or *thereby* compels, induces, or prevails upon any elector to give or refrain from giving his vote.

This definition is somewhat (though very slightly) more definite than that contained in section 5 of the Corrupt Practices Act of 1854, the main alteration being the insertion of the words "temporal or spiritual," before "injury" in case (ii.) This was done to satisfy the scruples of the Irish members,



and we are not aware of any construction of the offence of "undue influence" on the part of the English Bench which necessitated or would have suggested the change of phraseology.

Being a corrupt practice this offence, if committed by the candidate or *any agent*, avoids the election.

(2.) *Personation.*

There are two forms of this offence, which is committed by Ballot Act,  
1872, s. 24.

(i.) Any person who, at an election, applies for a ballot paper in the name of some other person living, dead, or fictitious, and by

(ii.) Any person who, having voted once at an election, applies at the same election for a ballot paper in his own name.

Being a corrupt practice this offence, if committed 1883, s. 3.  
by the candidate *or any agent*, may avoid the election.

(3.) *Aiding, &c., Personation.*

By the Act of 1883, aiding, abetting, counselling, and procuring the commission of the offence of s. 3.  
personation is made a corrupt practice.

It becomes, therefore, for the first time, one of the offences which, if committed by a candidate or *any agent*, may avoid the election.

(4.) *False Declaration as to Expenses by Candidate or Election Agent.* s. 33 (7)

This also is a new form of corrupt practice; it will be more convenient to postpone the consideration of it till we deal with the return of expenses to which the post. p. 56  
declaration relates. It can, of course, only be com-

mitted by the candidate or his election agent, and if committed by either, avoids the election.

The following are *illegal* practices :—

(5.) *Prohibited Voting.*

s. 9 (1)

This offence is committed by (i.) any person who votes, knowing that he is prohibited by any statute from voting, and by (ii.) any person who induces or procures another to vote, knowing that that other is so prohibited from voting.

Persons “prohibited from voting” are persons who are otherwise capable of voting, and would be entitled to vote, were they not disqualified by the operation of the Corrupt Practices Acts, or by some other statute. The rule, therefore, does not apply to persons who are disqualified only by virtue of the common law of Parliament, *e.g.*, peers, women, idiots.

The following is a list for England and Wales of persons prohibited by statute from voting :—

(a) Infants, *i.e.*, persons who have not completed their 21st year on the polling day may not vote. (7 and 8 Wm. 3, c. 25, s. 8.)

(b) Persons convicted of treason or felony, who have not been pardoned, and whose term of punishment has not expired, may not vote. (33 and 34 Vict., c. 23, ss. 2, 7.)

Thus ticket-of-leave men are prohibited.

(c) No chief, head, or other constable of the borough or county police may vote while holding office, or within six months afterwards :

In the case of police in a borough under the Municipal Corporations Act, for the borough, or for the county in or to which the borough is

situate or adjoins, or for any borough in such county (19 and 20 Vict., c. 69, s. 9) ;

In the case of county police, for the county or any adjoining county, or any borough within any of them. (2 and 3 Vict., c. 93, s. 9.)

In the case of Metropolitan and London police, for the City, the five home counties, or any metropolitan borough, or for any county or borough in which they are employed on special service in dockyards and military stations, (10 Geo.4,c.44,s. 18 ; 23 and 24 Vict., c. 135, s. 5.)

- (d) The returning officer may not vote except in case of an equality of votes. (Ballot Act, 1872, s. 2.)

Note, that a candidate *may* vote.

- (e) Electors who *within six months of the election* have been retained, hired, or employed *for reward*, for all or any of the purposes of the election, by, or on behalf of, any candidate at such election, as agent, clerk, messenger, or in other like employment, may not vote at that election. (1867, s. 11 ; 1883, sch. I., pt. 1. (7) ) See ante p. 25 for definition of employment.

- (f) Persons guilty of any corrupt or illegal practice, s. 36. or of illegal employment, payment, or hiring at an election, may not vote at that election, and their votes are void.

This effects an important change in the law. Previously the vote of the corrupter was not void, though that of the corrupted was. Now the corrupter's vote also is prohibited and void,

and if he votes he is guilty of an illegal practice, as also is the person who, knowing his disqualification, induces him to vote.

(g) Persons who have become incapable of voting by reason of offences at former elections, for which they have been convicted or reported, may not vote at any election while such incapacity lasts.

1883, s. 37.

s. 6 (3) (a)

s. 10.

s. 43 (4)

ss. 4, 11 (a)

s. 38 (5)

Persons convicted of corrupt practices are incapable of voting for seven years, persons convicted of illegal practices are incapable for five years, from the date of conviction, whether they be convicted on indictment or summarily. Candidates reported by an Election Court as having known of corrupt or illegal practices, are subject to similar incapacities. So persons reported as having been guilty of corrupt or illegal practices, although receiving a certificate of indemnity, are subject to the same incapacity as if they had been convicted of the offence at the date of the election. (As to the list of such persons in the register see section 39.)

Although it is an illegal practice for a person belonging to any of these prohibited classes to vote, or for any one else knowingly to induce or procure such a person to vote, the election is not thereby avoided, unless the offence is committed by the candidate himself, or by his election agent, or by a sub-agent in the district for which he acts.

s. 9.(2)

s. 25 (2)

#### (6.) *False Statement of Withdrawal.*

Any person who, before or during an election, *knowingly* publishes a false statement of the with-

s. 9 (2)

drawal of a candidate, for the purpose of promoting or procuring the election of another candidate, is guilty of an illegal practice. (Compare the offence of illegal payment for *corrupt withdrawal*, ante p. 43.)

As in the case just mentioned of prohibited voting, this offence will not avoid the election unless committed by the candidate himself, or by his election agent, or by a sub-agent in the district for which he acts.

(7.) *Printing, Publishing, or Posting unnamed Placards.* s. 18.

See ante p. 34. This is an illegal practice, and avoids the election, if committed by the candidate, or his election agent, or a sub-agent in his district.

(8.) *Failure by Candidate or Election Agent to make Return of Expenses.*

See post. p. 58.



## §IV. AFTER THE ELECTION.

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## § IV. AFTER THE ELECTION.

After the election is over, the election agent has still two important duties to perform, the neglect of which may bring to a fatal issue, in the very hour of victory, the most skilfully-planned and cautiously conducted campaign. These duties are (1) the settlement of claims on the candidate ; (2) the compilation and sending in of the return of expenses.

### THE SETTLEMENT OF CLAIMS.

The main object of the stringent rules laid down by the Act in reference to this matter is to secure the immediate payment of all expenses incurred in connection with the conduct and management of the election, and thus to prevent the possibility of an evasion of the law by the holding over of claims until after the return of expenses has been sent in.

A considerable number of small payments will necessarily have been made during the course of the contest. A careful account of these (whether the money has been spent by the election agent personally or by a sub-agent) will have been kept, and vouchers for all payments amounting to 40s. and upwards will have been preserved. (See ante p. 15.)

#### (1) *Sending in Claims.*

*All claims which have not been already settled must be sent in to the election agent within 14 days from the s. 29 (2) & (3) day of election (i.e., the day on which the candidates*

returned are declared elected). Claims not sent in within this time are barred, and cannot be recovered, and an election agent who voluntarily (*i.e.*, except under the order of a competent Court) pays a claim sent in after the prescribed time is guilty of an *illegal practice*, which may avoid his principal's seat.

s. 31 (1)

The candidate's personal expenses (except such part of them, if any, as exceeds £100) will, as a rule, have been defrayed by himself. If so, he must send in a statement of the *amount* so spent by him to the election agent within the 14 days.

s. 31 (3) (4)

Again, if any person has been allowed, under a written authority from the election agent, to make payments for petty expenses (see ante p. 14), a statement giving *particulars* of the sums so paid by him must be sent in to the election agent within the 14 days.

s. 32 (1)

The election agent should, if possible, prepare and settle his own claim for remuneration within the same time.

s. 32 (2)

The only exception to the rule that claims must be sent in within 14 days is the case of the returning officer. The account of his charges must be transmitted to the *election agent* within 21 *days* of the election day.

s. 29 (9)

The High Court has power, in a fit case, to permit payment of a claim not sent in in due time, or sent in to the candidate instead of to the election agent. See below, p. 55.

### (2.) *Payment of Claims.*

s. 29 (4) & (5)

*All claims which the election agent does not dispute must be paid by him within 28 days from the day of election.* If the election agent voluntarily (*i.e.*, except under the order of a competent Court) pays a claim

after that time he is guilty of an *illegal practice* which may avoid his principal's seat.

A claim which the election agent fails or refuses to pay within the prescribed time becomes a *disputed claim*, and can only be lawfully paid by the election agent or the candidate in one or other of two ways:—

(a) The claimant may bring an action for the amount against the candidate or the election agent; in the County Court, in cases where the sum claimed is within the limit of County Court jurisdiction ; in the High Court, in other cases. If the defendant disputes his *liability*, the action will be tried in the ordinary way, and in the event of judgment being given for the plaintiff the defendant may lawfully pay the amount adjudged. If the defendant disputes merely the *amount*, the claim will, unless the Court otherwise orders, be referred for taxation to the Master, Registrar, or other proper officer, and the sum found due on taxation may be lawfully paid by the defendant.

(b) By a proceeding in the High Court (which s. 56 will probably take the form of an application to one of the election judges in chambers) an order for leave to pay a disputed claim may, in s. 29 (9) a fit case, be obtained at the instance of the election agent or candidate, or of the claimant. Any sum paid in pursuance of such an order will be deemed lawfully paid. s. 29 (10)

This latter procedure may also be resorted to in order to obtain permission for the payment of claims presented after the prescribed time or transmitted to the candidate instead of to the election agent. See above, p. 54.

The election agent's own claim to remuneration, like that of every other creditor, must be paid within the 28 days. If any difference arises as to its amount between the candidate and the election agent, it becomes a disputed claim and must be dealt with accordingly.

A violation of these rules on the part of an election agent—whether it take the form of a voluntary payment of a claim sent in too late, or of a voluntary payment after the proper time of any claim—will, as already observed, be a ground for avoiding his principal's election. For the protection of candidates, the Act provides that this result shall not follow when it is proved to the satisfaction of the Election Court that such payment was made *without the candidate's sanction or connivance*.

#### THE RETURN OF EXPENSES.

*Within 35 days of the day of election the election agent must transmit to the returning officer the "Return respecting Election Expenses."* The return must be accompanied by a declaration made by the election agent before a justice of the peace, unless the candidate has named himself as his election agent. At the same time, or within 7 days afterwards, the candidate must transmit to the returning officer a declaration made by himself before a justice of the peace. A candidate who is out of the United Kingdom at the time when the return is transmitted, is allowed till the expiration of 14 days from his coming back to the Kingdom for making his own declaration. If, after the date of the return, claims are paid by leave of the High Court (see ante p. 55) the candidate or agent must, within 7 days from such payment, transmit a

s. 32 (1)

s. 29 (6)

s. 33 (1) (2)  
(3) (4)

s. 33 (8)

s. 33 (9)

return thereof, together with a copy of the order of the Court, to the returning officer.

There are three points, all of the greatest importance, to be considered here, viz., (i.) the form of the return and of the declarations; (ii.) the consequences of failure to transmit them, or of making false declarations; (iii.) the excuses for delay or inaccuracy allowed by the Act. s. 33 (8)

(1) *The Form of the Return and of the Declarations.*

The form of the return is set out in Schedule II. of the Act, and is reprinted in Appendix II., p. 69. It must state s. 33 (1)

- (a) All payments made by the election agent, together with all bills and receipts (which must be transmitted with the return).
- (b) The personal expenses, if any, paid by the candidate.
- (c) The returning officer's charges, whether paid or disputed.
- (d) All disputed claims (see ante p. 55).
- (e) All unpaid claims in respect of which application has been or is about to be made to the High Court (ante p. 54-55).
- (g) All money, securities, and equivalent of money received (or, if the candidate is his own election agent, "paid") by the election agent from the candidate or *any other person* on account or in respect of the conduct or management of the election, together with the *name of every person* (which includes "association or body of persons") from whom the same may have been received.

The forms of the two declarations are also set out in Schedule II. of the Act, and reprinted in Appendix II.

The candidate is required to declare (*a*) that the return is correct to the best of his knowledge and belief; (*b*) that, except as appears from the return, he has not made any payment or incurred any liability on account or in respect of the conduct or management of the election, nor, to the best of his knowledge and belief, has any person or society on his behalf; (*c*) that he has paid to his agent £ , and no more, and that, except as appears by the return, no one has to his knowledge, or belief paid or advanced money to the election agent to defray expenses; (*d*) that he will not, except so far as permitted by law, make any payment or provide any money for the purpose of defraying his expenses. (See form, p. 67.)

A similar form of declaration, modified in some non-essential particulars to suit the case, is provided for a candidate who has been nominated in his own absence, and who has taken no part in the election. (See form, p. 72.)

The declaration of the election agent is in substance the same as paragraphs (*a*), (*b*), and (*c*), of the candidate's declaration, except, as to (*c*), that while the candidate declares the amount which he has paid to the agent, the agent declares the amount which he has received from the candidate. (See form, p. 68.)

If the candidate is his own election agent he makes only a single declaration, viz., that required of a candidate, with certain additions and omissions. (See form, p. 67.)

(2) *Consequences of Not Making and of Falsely Making the Return and Declarations.*

s. 33 (6)

Failure on the part of the candidate or election agent to transmit the return and declarations within

the prescribed time is (a), unless excused, an *illegal practice* which may avoid the election, and (b) disables <sup>s. 33 (5)</sup> the candidate from sitting or voting in the House of Commons as member for the place of election from the expiration of the prescribed time until either the return and declarations have been transmitted, or until the date of the allowance by the Court of an authorised excuse. A candidate sitting or voting during the prohibited period is liable to a penalty of £100 for every day on which he so sits or votes, and the penalty may be sued for by a common informer.

Severer penalties are attached to the making of a <sup>s. 33 (7)</sup> false declaration. If the candidate or election agent knowingly makes the declaration falsely, he may be indicted, and on conviction will be liable to the punishment for *wilful and corrupt perjury* (i.e., seven years' penal servitude). The offence will also be deemed a *corrupt practice*, avoiding the election, and exposing the offender to the other disabilities of a person convicted of a corrupt practice.

### (3.) *Authorised Excuses for Delay or Error in the Return.*

*Non-compliance with the provisions of the Law as to the Return and Declarations can only be excused by an order of the High Court or of an Election Court.*

The Court may make such an order, on the application either of the candidate or of the election agent, <sup>s. 34 (1)(a)(b)</sup> and in respect either of the failure to transmit the return and declarations, or of errors or false statements therein.

The applicant, if the candidate, must show that the default was due either to his own illness, or to the absence, death, illness, or misconduct of the election agent, or his deputies, clerks, &c., or to inadvertence,

or some reasonable cause of a like nature. He must further show that it was not due to his own want of good faith. Similar proof *mutatis mutandis* will be required of the election agent if he is the applicant.

s. 34 (3)

The order, if made, relieves the applicant from the consequences of the default which it excuses. The Court is, moreover, required to relieve the candidate from the consequences of any act or omission of the election agent in relation to the return and declaration of expenses, if it is proved that the candidate did not sanction or connive at, and took all reasonable means to prevent, such act or omission.

### SUMMARY.

Subject to the exceptions described above, *all claims*

Must be <i>received</i> within 14 days	} from the day of election, (i.e., the day on which the candidates returned are declared elected.)
Must be <i>paid</i> „ 28 „	
Must be <i>returned</i> „ 35 „	

### PUBLICATION AND CUSTODY OF THE RETURN.

s. 35.

It is the duty of the returning officer, within 10 days after receiving the return, to publish a summary of it, at the expense of the candidate, in not less than two local newspapers, together with a notice of the time and place at which the return, declarations, and accompanying documents may be inspected. He is further bound to keep, and afford inspection of, the return, declarations, and other documents during two years, at the end of which time he is to destroy them, or return them to the candidate, if so required.



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## APPENDIX I.

## ELECTION OFFENCES AND THEIR CONSEQUENCES

(I.) *Corrupt Practices.*

Any of the following (except 6) will avoid the election if committed by the candidate or *any* agent. No. 6 also avoids the election, but can only be committed by a candidate or election agent.

1. Bribery. s. 3.
2. Treating.
3. Undue Influence.
4. Personation.
5. Aiding or abetting Personation.
6. Making a false declaration respecting election s. 33 (7) expenses.

## OTHER CONSEQUENCES OF CORRUPT PRACTICES.

(a) *Status of Candidate.*

Any of these, if committed by the *candidate*, will disable him *for ever* from being elected for the same county or borough; if committed by any *agent*, will s. 4. disable the candidate for *seven years* from being s. 5. elected for such county or borough.

(b) *Criminal Liability of Offender.*

*Any person* convicted on *indictment* of 1, 2, or 3, is liable to imprisonment for one year with or s. 6 (1) without hard labour, or to be fined £200.

*Any person* convicted on *indictment* of 4 or 5 is s. 6 (2) liable to imprisonment for two years with hard labour.

*Any candidate* or *election agent* convicted on *indict-* s. 33 (7) *ment* of 6 is punishable as for perjury, *i.e.*, with seven years' penal servitude.

*Any person* summarily convicted by an Election Court of a corrupt practice is liable to imprisonment s. 43 (4) for six months with or without hard labour, or to be fined £200.

(c) *Civil and Political Disabilities of Offender.*

*Any person* convicted summarily, or on indictment, s. 6 (3) and (4) of any corrupt practice, or reported as guilty thereof s. 43 (4) by an Election Court, is disabled for *seven years*

- (i.) From being registered as elector, or voting s. 38 (5)

at any parliamentary, municipal, or local election in the United Kingdom.

(ii.) From being elected to or sitting in the House of Commons.

s. 64. (iii.) From holding any public or judicial office (which includes all municipal and parochial offices).

*Note.*—By the common law, general corruption or intimidation, by whomsoever committed, avoids an election.

By Parl. El. Act, 1868, s. 44, the personal engagement by a candidate of an agent whom he knows to have been convicted or reported guilty of any corrupt practice within seven years before, avoids the candidate's election.

### (II.) *Illegal Practices.*

The following are illegal practices, and avoid the election if committed by the candidate or *any* agent:—

- s. 7. 1. Payments or contracts for payment in respect of
- (a) Conveyance of voters.
  - (b) Exhibition of placards by electors.
  - (c) Excessive number of committee rooms.
- s. 28. 2. Payments for election expenses not made through election agent, and gifts or advances of money for election expenses not paid to the candidate or election agent.

The following are illegal practices, but avoid the election only if committed by the *candidate* or the *election agent*, or by a *sub-agent* in his own polling district:—

- s. 9 (1) 3. Voting though prohibited by statute, or procuring a person so prohibited to vote.
- s. 9 (2) 4. Publishing a false statement of the withdrawal of a rival candidate.

The following are only illegal practices if committed

by a *candidate, election agent, or sub-agent*, but if so committed avoid the election.

5. Expenditure in excess of the maximum. s. 8.
6. Printing or publishing placard without printer's s. 18.  
and publisher's name.
7. Any kind of illegal payment, employment, or s. 21 (2)  
hiring. (See below III.)
8. Voluntary payment of an election account sent s. 29 (2)  
in too late.
9. Voluntary payment of an election expense after s. 29 (4)  
time limited for payment.
10. Failure to make the return and declaration as to s. 33 (6)  
expenses. (Can only be committed by candi-  
date or election agent, and not by a sub-agent.)

#### OTHER CONSEQUENCES OF ILLEGAL PRACTICES.

##### (a) *Status of Candidate.*

A candidate guilty by his agents of illegal practices is disabled from being elected for the same county or s. 11, borough during that Parliament.

If the candidate knew of, or sanctioned, or was personally guilty of, an illegal practice, he is disabled from being elected for the same county or borough for *seven years*, and has, further, the same civil and political disabilities as if he had been convicted of an illegal practice. (See below.)

##### (b) *Penal Liability of Offender.*

Any person guilty of an illegal practice may, on summary conviction, be fined £100. s. 10.

A member sitting and voting after failing to transmit return and declaration of expenses, incurs a s. 33 (5) penalty of £100 each day.

##### (c) *Civil and Political Disabilities of Offender.*

Any person convicted of an illegal practice, or reported as guilty thereof by an Election Court, is incapable for *five years* of being registered as an elector or voting at any parliamentary, municipal, or local election *in that county or borough*. s. 10. s. 38 (5)

(III.) *Illegal Payment—Hiring—Employment.*

## 1. Illegal payments.

s. 13. (a) Providing money for any payment contrary to the Act.

s. 15. (b) Corrupt arrangement for withdrawal of candidature.

s. 16. (c) Payments for bands, torches, flags, &c. (Compare 17 and 18 Vict., c. 102, s. 7, which imposes a penalty of 40s. on the persons who give or provide cockades, ribbons, or other marks of distinction.)

## 2. Illegal hiring.

s. 14. (a) Letting, lending, borrowing, &c., hackney carriages and horses for conveyance of voters.

s. 20. (b) Hiring, letting, or using committee rooms on prohibited premises.

## 3. Illegal employment.

s. 17. Employing for payment persons in excess of the number, or except for the purposes allowed ; and being so employed.

## 4. Miscellaneous.

s. 18. Printing or publishing placard without printer's and publisher's name and address. (Compare "*Illegal Practices*" 6, p. 65.)

s. 21 (1) A person guilty of any of these offences is liable, on summary conviction, to a fine of £100. Although the offender is an agent of the candidate, the election is not avoided unless the offence be committed by the election agent or a sub-agent, when it becomes an *illegal practice*. (See "*Illegal Practices*," 7, p. 65.)

s. 64. *Note*, throughout, that "the expression, 'person' includes an association or body of persons, corporate or unincorporate, and when any act is done by any such association or body, the members of such association or body who have taken part in the commission of such act shall be liable to any fine or punishment imposed for the same."

## APPENDIX II.

*FORM OF DECLARATIONS AS TO EXPENSES.*

---

FORM FOR CANDIDATE.

I \_\_\_\_\_, having been a candidate at the election for the county [*or* borough] of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, do hereby solemnly and sincerely declare that I have examined the return of election expenses [about to be] transmitted by my election agent [*or, if the candidate is his own election agent, "by me"*] to the returning officer at the said election, a copy of which is now shown to me and marked \_\_\_\_\_, and to the best of my knowledge and belief that return is correct ;

And I further solemnly and sincerely declare that, except as appears from that return, I have not, and to the best of my knowledge and belief no person, nor any club, society, or association, has, on my behalf, made any payment, or given, promised, or offered any reward, office, employment, or valuable consideration, *or incurred any liability* on account of or in respect of the conduct or management of the said election ;

And I further solemnly and sincerely declare that I have paid to my election agent [*if the candidate is also his own election agent, leave out "to my election agent"*] the sum of \_\_\_\_\_ pounds and no more for the purpose of the said election, and that, except as specified in the said return, no money, security, or equivalent for money has to my knowledge or belief been paid, advanced, given, or deposited by anyone to or in the hands of my election agent [*or, if the candidate is his own election agent, "myself"*] or any other person for the purpose of defraying any expenses incurred on my behalf on account of or in respect of the conduct or management of the said election ;

And I further solemnly and sincerely declare that I will not, except so far as I may be permitted by law, at any future time make, or be party to the making or giving of, any payment, reward, office, employment, or valuable consideration for the purpose of defraying any such expenses as last mentioned, or provide, or be party to the providing of, any money, security, or equivalent for money for the purpose of defraying any such expenses.

*Signature of declarant* *C.D.*

Signed and declared by the above-named declarant on the \_\_\_\_\_ day of \_\_\_\_\_, before me.

(Signed) *E.F.*

Justice of the Peace for

*FORM FOR ELECTION AGENT.*

---

I, \_\_\_\_\_, being election agent to \_\_\_\_\_, candidate at the election for the county [*or* borough] of \_\_\_\_\_, on the day of \_\_\_\_\_, do hereby solemnly and sincerely declare that I have examined the return of election expenses about to be transmitted by me to the returning officer at the said election, and now shown to me and marked \_\_\_\_\_, and to the best of my knowledge and belief that return is correct ;

And I hereby further solemnly and sincerely declare that, except as appears from that return, I have not, and to the best of my knowledge and belief no other person, nor any club, society or association, has on behalf of the said candidate made any payment, or given, promised, or offered any reward, office, employment, or valuable consideration, or incurred any liability on account of or in respect of the conduct or management of the said election ;

And I further solemnly and sincerely declare that I have received from the said candidate \_\_\_\_\_ pounds and no more [*or* nothing] for the purpose of the said election, and that, except as specified in the said return sent by me, no money, security, or equivalent for money has been paid, advanced, given, or deposited by anyone to me or in my hands, or, to the best of my knowledge and belief, to or in the hands of any other person for the purpose of defraying any expenses incurred on behalf of the said candidate on account of, or in respect of the conduct or management of the said election ;

*Signature of declarant*                      *A.B.*

Signed and declared by the above-named declarant on the day of \_\_\_\_\_ before me.

(Signed)                      *E.F.*

Justice of the Peace for



# FORM OF RETURN OF ELECTION EXPENSES.

I, *A.B.*, being election agent to *C.D.*, candidate at the election for the county [*or borough*] of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ make the following return respecting election expenses of the said candidate at the said election : [*or where the candidate has named himself as election agent, I, C.D., candidate at the election for the county (or borough) of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ acting as my own election agent, make the following return respecting my election expenses at the said election.*]

## Receipts.

Received of (*the above-named candidate*) [*or, where the candidate is his own agent, "paid by me"*] \_\_\_\_\_ } £

Received of *J. K.* . . . . . } £

[*Here set out the name and description of every person, club, society, or association, whether the candidate or not, from whom any money, securities, or equivalent of money was received in respect of expenses incurred on account of or in connection with or incidental to the above election, and the amount received from each person, club, society, or association separately.*]

## Expenditure.

Paid to *E.F.*, the returning officer for the said county [*or borough*] } £  
for his charges at the said election. . . . .

Personal expenses of the said *C.D.*, paid by himself [*or, if the candidate is his own election agent, "paid by me as candidate"*] } £

Do. do. paid by me [*or, if the candidate is his own election agent, add "acting as election agent"*] } £

Received by me for my services as election agent at the said election [*or, if the candidate is his own election agent, leave out this item.*] \_\_\_\_\_ } £

Paid to *G.H.* as sub-agent of the polling district of \_\_\_\_\_ } £

[*The name and description of each sub-agent and the sum paid to him must be set out separately.*]

Paid to	as polling agent	-	-	£
Paid to	as clerk for	days' services		£
Paid to	as messenger for	days' services	-	£

[The names and descriptions of every polling agent, clerk, and messenger, and the sum paid to each, must be set out separately either in the account or in a separate list annexed to and referred to in the account thus, "Paid to polling agent (or as the case may be) as per annexed list £ ."]

Paid to the following persons in respect of goods supplied or work and labour done:

To P.Q. (printing)	-	-	-	-	-	£
To M.N. (advertising)	-	-	-	-	-	£
To R.S. (stationery)	-	-	-	-	-	£

[The name and description of each person, and the nature of the goods supplied, or the work and labour done by each, must be set out separately either in the account or in a separate list annexed to and referred to in the account.]

Paid for postage	-	-	-	-	-	£
Paid for telegrams	-	-	-	-	-	£

Paid for the hire of rooms as follows :—

For holding public meetings	-	-	-	-	£
For committee rooms	-	-	-	-	£

[A room hired for a public meeting or for a committee room must be named or described so as to identify it; and the name and description of every person to whom any payment was made for each such room, together with the amount paid, must be set out separately either in the account or in a separate list annexed to and referred to in the account.]

Paid for miscellaneous matters, namely—

£

*[The name and description of each person to whom any sum is paid, and the reason for which it was paid to him, must be set out separately either in the account or in a separate list annexed to and referred to in the account.]*

---

In addition to the above, I am aware, as election agent for C.D., of the following disputed and unpaid claims; namely—

Disputed claims.

By T.U. for . . . . .

*[Here set out the name and description of each person whose claim is disputed, the amount of the claim, and the goods, work, or other matter on the ground of which the claim is based.]*

Unpaid claims allowed by the High Court to be paid in after the proper time or in respect of which application has been or is about to be made to the High Court.

By M.O. for . . . . . £

*[Here state the name and description of each person to whom any such claim is due, and the amount of the claim, and the goods, work, and labour or other matter on account of which the claim is due.]*

(Signed)

A.B.

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## FORM OF DECLARATION AS TO EXPENSES.

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FORM FOR CANDIDATE WHERE DECLARED A CANDIDATE OR  
NOMINATED IN HIS ABSENCE AND TAKING NO PART IN THE ELECTION.

I, \_\_\_\_\_, having been nominated [*or* having been declared by others] in my absence [*to be*] a candidate at the election for the county or borough of \_\_\_\_\_ held on the day of \_\_\_\_\_ do hereby solemnly and sincerely declare that I have taken no part whatever in the said election.

And I further solemnly and sincerely declare [*or* with the exception of \_\_\_\_\_] that I have not, and no person, club, society, or association, at my expense has, made any payment, or given, promised, or offered, any reward, office, employment, or valuable consideration, or incurred any liability on account of or in respect of the conduct or management of the said election.

And I further solemnly and sincerely declare that [*or* with the exception of \_\_\_\_\_] I have not paid any money or given any security or equivalent for money to the person acting as my election agent at the said election, or to any other person, club, society, or association, on account of, or in respect of the conduct or management of the said election, and that [*or* with the exception of \_\_\_\_\_] I am entirely ignorant of any money security or equivalent for money having been paid, advanced, given, or deposited by anyone for the purpose of defraying any expenses incurred on account of or in respect of the conduct or management of the said election.

And I further solemnly and sincerely declare that I will not, except so far as I may be permitted by law, at any future time make or be party to the making or giving of any payment, reward, office, employment, or valuable consideration for the purpose of defraying any such expenses as last mentioned. or provide, or be party to the providing of, any money, security, or equivalent of money for the purpose of defraying any such expenses.

*Signature of declarant*

*C.D.*

Signed and declared by the above-named declarant on the day of \_\_\_\_\_, before me.

(Signed) *E.F.*

Justice of the Peace for

# I N D E X.

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